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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,600	07/03/2001	Ravi Gauba	80398.P448	1960
7590	03/09/2011			
Florin Corie BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			EXAMINER	
			PENG, FRED H	
			ART UNIT	PAPER NUMBER
			2426	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/898,600	Applicant(s) GAUBA ET AL.
	Examiner FRED PENG	Art Unit 2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 December 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,5,7-16,18,19,21-29,31,32 and 34-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4,5,7-16,18,19,21-29,31,32 and 34-38 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Filing No.(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2426

1. In view of the Appeal Brief filed on 12/07/2010, PROSECUTION IS HEREBY REOPENED.

New grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

DETAILED ACTION

Status of Claims

2. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al (US 2006/0212900) in view of Rafey et al (US 2002/0170068).

Regarding Claims 1, 12 and 28, Ismail discloses an apparatus (FIG.1) with corresponding method and computer readable storage medium comprising:

a control module (FIG.1, 100) to generate an interactive list of content files for presentation to a user based on a profile of said user (105, Para 263 lines 1-10), wherein each of said selected content files is a broadcasted program comprising a plurality of content segments and a plurality of play sequences for the corresponding content file; and wherein each of the plurality of play sequences represents a different story line for the broadcasted program and each content segment has associated segment information within said content information (Abstract; Para 268-269; each content segment, each scene, representing a different story line for the broadcasted program and has associated segment information such as tagged information);

receiving, at a selection device, a selection input command selecting a-the one of said content files from said interactive list; to retrieve a detailed profile of a user and content information associated with a selected content file, and to select a play sequence of said selected content file based on said detailed profile and said content information; said selected content file comprising a plurality of content segments, each content segment having associated segment information within said content information, and wherein said play sequence comprises content segments linked together through said segment information; and a presentation module to present said play sequence to said user (refer but not limited to FIG.42; Abstract; Para 227-230; Para 264; Para 268; Para 269).

Ismail further discloses modifying said play sequence and associated story line corresponding to the selected content to switch to a different story line of that broadcast program (FIG.44; Para 268; an alternative scene is selected to replace the original scene in the programming based on the user profile) but is silent about the selection by the user.

In an analogous art, Rafey discloses an alternative embodiment in which the output of the virtual program is modified by the viewer in real time (refer but not limited to Abstract; Para 9).

Art Unit: 2426

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ismail's system to include modifying the programming by the user in real time, as taught by Rafey as an alternative option so the real interests for the user can be more accurately reflected.

Alternatively, a person of ordinary skill in the art would have had good reason to pursue the known options of giving the user control over selecting an alternative scene for a customized programming when multiple alternative scenes are available for selection. It would require no more than "ordinary skill and common sense" to give the user (rather than the computer program) control over the selection of an alternative scene.

Regarding Claims 2, 14, 15 and 29, Ismail in view of Rafey further discloses the control module receives an explicit input command from the user, the explicit input command requesting a change in the play sequence of the selected content file and further selects a modified play sequence of the selected content file based on the explicit input command and presents the modified play sequence to the user (refer but not limited to Para 263 lines 7-12; Para 22; Para 23 of Ismail).

Regarding Claims 4, 18 and 31, Ismail further discloses the selected content file comprises audio/video data (FIG.1, 105; television programs comprising audio/video data).

Regarding Claims 5, 19 and 32, Ismail further discloses the content information associated with the selected content file comprises a description of the selected content file and news related to the selected content file (refer but not limited to FIG.1, 107; Para 67).

Regarding Claims 7, 21 and 34, Ismail further discloses processing the segment information of the each content segment and the profile of the user to match the segment information with the profile, and selects a predetermined number of content segments from the

Art Unit: 2426

plurality of content segments in a predetermined order to form the play sequence (refer but not limited to FIG.44; Para 268 lines 13 - last line).

Regarding Claims 8, 22 and 35, Ismail further discloses the play sequence comprising a predetermined number of content segments of the selected content file in a predetermined order and the modified play sequence further comprises the predetermined number of content segments in a modified order requested by the explicit input command (Para 263 lines 10 - last line; the user can explicitly specify an advertising in the sequence of play).

Regarding Claims 9, 23 and 36, Ismail further discloses the control module selecting advertising material based on the profile of the user and the presentation module further presents the advertising material to the user together with the play sequence of the selected content file (Para 268 lines 13 - last line).

Regarding Claims 10, 26 and 37, Ismail further discloses the explicit input command requests presentation of at least one advertisement to the user (Para 263 lines 10-12).

Regarding Claims 11, 27 and 38, Ismail further discloses selecting the at least one advertisement based on the explicit input command and the presentation module presents the at least one advertisement to the user (Para 263 lines 10-12).

Regarding Claim 13, Ismail further discloses a storage module (FIG.1, 106) to store the detailed profile of the user (Para 68) and a plurality of content files including the selected content file (FIG.1, 105).

Art Unit: 2426

Regarding Claim 16, Ismail further discloses retrieving the profile of the user and the plurality of content files from the storage module and selects at least one content file of said plurality of content files based on said profile of said user (Para 263 lines 1-7).

Regarding Claim 24, Ismail further discloses the profile of the user is stored in a profile storage area of the storage module (FIG.1, 116).

Regarding Claim 25, Ismail further discloses the plurality of content files is stored in a content storage area of the storage module (FIG.1, 105).

Response to Arguments

4. Applicant's arguments with respect to claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Claims 1-2, 4-5, 7-16, 18-19, 21-29, 31-32 and 34-38 are rejected.

Correspondence Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

Art Unit: 2426

either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

March 8, 2011